

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

DIW BOL KIIR, Petitioner, vs. DARIN YOUNG Respondent.	4:20-cv-04087-KES ORDER ADOPTING REPORT AND RECOMMENDATION AND DISMISSING CASE
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Petitioner, Diw Bol Kiir, filed a pro se petition for writ of habeas corpus under 28 U.S.C. § 2254. The court referred the petition to a United States magistrate judge under 28 U.S.C. § 636(b) and Rule 8 of the Rules Governing Section 2254 Cases in United States District Courts.

The magistrate judge filed a report and recommendation recommending that Kiir's petition be dismissed. Objections to the report and recommendation were due by October 25, 2020.

The time for objections has passed. No objections to the report and recommendation have been filed under 28 U.S.C. § 2254, Rule 8(b)(3). The court has considered the case de novo and adopts the report and recommendation in full. Therefore, it is

ORDERED that the report and recommendation (Docket 9) is adopted in full. Petitioner's pro se petition for habeas corpus is denied with prejudice.

IT IS FURTHER ORDERED that the motion to dismiss with prejudice by defendant (Docket 5) is granted.

IT IS FURTHER ORDERED that petitioner's motion to proceed in forma pauperis (Docket 4) is granted.

IT IS FURTHER ORDERED that based upon the reasons stated and under Fed. R. App. P. 22(b), the court finds that petitioner has not made a substantial showing of the denial of a constitutional right. 28 U.S.C. § 2253(c)(2). Thus, a certificate of appealability is denied.

Dated October 27, 2020.

BY THE COURT:

/s/ Karen E. Schreier

KAREN E. SCHREIER
UNITED STATES DISTRICT JUDGE